

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
Southern District of TexasUnited States District Court
Southern District of Texas
FILED

OCT 22 2019

David J. Bradley, Clerk

United States of America

v.

Marco Antonio ROSALES-Herrera (YOB: 1965, Mexico)
Jaime ORTIZ-Murillo (YOB: 1968, Mexico)Case No. M-19-2564-MDefendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 20, 2019 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

31 U.S.C. § 5332

Knowingly and intentionally attempt to evade this currency reporting requirement, under section 5316, by concealing more than \$10,000.00 in currency or other monetary instruments to wit; \$29,834.00 in the defendant's possession, and attempting to transport such currency or monetary instruments from a place outside the United States, to wit; Morelia, Mexico, to a place within the United States, to wit; McAllen, Texas.

This criminal complaint is based on these facts:

SEE ATTACHMENT "A"

✓ Continued on the attached sheet.

Approved AGSA ME Mitchell
10/22/19Shane Petrosky
Complainant's signatureShane Petrosky, HSI Special Agent
Printed name and title

Sworn to before me and signed in my presence.

Date: 10/22/20198:33 amPeter E. Ormsby
Judge's signatureCity and state: McAllen, TexasU.S. Magistrate Peter E. Ormsby
Printed name and title

ATTACHMENT A

On October 20, 2019, United States Customs and Border Protection Officer (CBPO) A. Robledo was conducting inbound inspections as part of his duties at the McAllen International Airport. The CBPO encountered a 1979 PAY2 aircraft bearing Mexican tail number XBSOR arrive from Mexico with a pilot and passengers Marco Antonio ROSALES-Herrera, Jaime ORTIZ-Murillo, and Yunuen AGUILAR-Leon.

During the aircraft inspection, CBPO Robledo received a negative oral declaration for currency or monetary instruments in excess of \$10,000.00, weapons, and ammunition from all passengers. After the aircraft inspection, CBPO C. Gonzalez obtained a second declaration from AGUILAR-Leon and she declared \$9,800 United States Dollars (USD) in \$100 denominations. After CBPO requested proof of ownership, ROSALES-Herrera eventually stated the currency held by AGUILAR-Leon belonged to him as well as an additional \$9,960 USD concealed in his bag and wallet. ORTIZ-Murillo overheard the discussion and then declared \$10,083 USD as his own currency. A total of \$29,834 was located on all three passengers and they were transported to the Hidalgo Port of Entry (POE Hidalgo).

Homeland Security Investigations (HSI) Special Agents (SA) were advised of the situation and responded to the POE Hidalgo to interview each passenger separately. During independent interviews, AGUILAR-Leon stated the money belonged to ROSALES-Herrera and he asked her to hold it for him, but she did not know why. ORTIZ-Murillo stated the currency in his possession was his and it did not belong to anyone else although he carried a stack of \$100 denominations in one pocket totaling approximately \$9,600 and the remainder in a separate pocket. ROSALES-Herrera immediately claimed all responsibility and stated before arriving to the United States, he gave AGUILAR-Leon and ORTIZ-Murillo each \$9,800 USD of his own money in \$100 USD denominations to hold in order to avoid currency reporting requirements of currency in excess of \$10,000. ROSALES-Herrera stated his travel companions claimed the currency was their own in attempt to protect him. ROSALES-Herrera further stated he previously crossed currency into the United States in the same manner and was issued a fine by CBP.